

REMARKS

The Examiner's comments together with the cited references have been carefully studied. Favorable reconsideration in view of the foregoing amendments and following remarks is respectfully requested.

Claims 1-14 and 16-19 have been rejected under 35 U.S.C. § 103(a) as unpatentable over Chen et al., U.S. Patent No. 6,696,158, in view of Heeks et al., U.S. Patent 5,736,250, and Chen et al., U.S. Patent No. 5,716,714.

In addition, claim 15 has been rejected under 35 U.S.C. § 103(a) as unpatentable over Chen et al., U.S. Patent No. 6,696,158, in view of Heeks et al., U.S. Patent 5,736,250, and Chen et al., U.S. Patent No. 5,716,714 as applied to claim 1, further in view of Chen et al., U.S. Patent No. 6,355,352.

Applicant respectfully submits that there has been a misreading of two of the above references, and unsustainable use of official notice, sufficient to overcome all rejections.

Heeks et al. has been characterized as teaching a fuser member with a sleeve 4 made of nickel, with citation made to col. 5, lines 57-59, mounted on a mandrel 6. However, upon closer reading, element 4 is not in fact a sleeve. Rather, in the fuser system addressed by Heeks et al., element 4 is the base member, otherwise described in the cited portion as "a hollow cylinder or core" (emphasis added). Moreover, element 6 is not a mandrel, but rather a heating element; see col. 5, lines 59-60. This is in distinct contrast to the present invention, which is directed in relevant part to a nickel sleeve. This nickel sleeve is a customer-replaceable component, mounted on a mandrel (see, for example, page 5, lines 7-9 of the present application.)

Similarly, on page 4 of the Office action, first full paragraph, Chen '714 is characterized as teaching that "the thickness of the nickel sleeve is from about 0.001 to about 0.05 inches", citing col. 3, lines 30-32. However, Chen '714 is also directed to a core member, not a sleeve; note that the discussion starting at col. 3, line 11 consistently refers to a "core" as the element being described. The only mention of a sleeve in Chen et al. '714 appears at col. 5, lines 26-29: "It is presently preferred to make the


coated roller by microextruding the silicone rubber into a mold into which a PFA sleeve and a roller core have been previously inserted" (emphasis added). As a corollary to the above, Chen et al. '714 exemplifies use of a primer on an aluminum core, and not on a nickel sleeve.

Finally, the Action states with regard to claim 5 that "official notice is taken that it is well known in the art to provide a tolerance of about 0.001 to about 0.002 inches, in order to provide a close fit between the sleeve and mandrel." However, according to MPEP § 2144.03A, official notice is appropriate in relation to facts such as "it is old to adjust intensity of a flame in accordance with the heat requirement" citing In re Ahlert, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970), or "tape recorders commonly erase tape automatically when new 'audio information' is recorded on a tape which already has a recording on it", citing In re Fox, 471 F.2d 1405, 1407, 176 USPQ 340, 341 (CCPA 1973). Section 2144.03A further observes that "it might not be unreasonable to take official notice of the fact that it is desirable to make something faster, cheaper, better, or stronger without the specific support of documentary evidence." Applicant submits that the tolerance between a sleeve and mandrel in a replaceable fuser member for electrophotographic copying machines fall well outside the indicated scope of permissible official notice.

In view of the foregoing remarks and amendment, Applicant respectfully submits that claims 1-19 should be deemed allowable and such favorable action is courteously solicited.

Should the Examiner consider that additional amendments are necessary to place the application in condition for allowance, the favor is requested of a telephone call to the undersigned counsel for the purpose of discussing such amendments.

Respectfully submitted,



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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.